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**TELEGRAM**

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ACTION: US Mission NATO

INFO: USNMR SHAPE  
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SUBJECT: NAC Seabeds Consultations

REF: USNATO 4758

1. Following is a resume of resolutions concerning LOS and seabeds matters adopted by 25th UNGA and background on LOS Conference resolution.
2. You may use resume for purposes suggested para 4, Reftel, in preparation for briefing of NAC by Legal Adviser Stevenson on January 7. Additional amplifying information requested para 4 to follow by septel.
3. BEGIN RESUME: On December 17, UNGA adopted four resos concerning LOS and seabeds. U.S. voted for all four, and all were adopted by overwhelming majority.
4. Res 2749 (XXV) contains declaration of seabeds principles. Declaration result of two years of negotiations and represents important necessary step in securing agreement

DRAFTED BY: L/OA:Brown DRAFTING DATE: 21370 APPROVED BY: hkm  
L/OA:WS/MSbury/IO/UNP/DA coll:lsa 12/28/70 EUR - Mr. Martin Hillenbrand

## CLEARANCES:

L - Mr. Stevenson (draft) IO - Mr. Herz (draft)  
 S/FW - Mr. Brittin (draft) EUR/RPM - Mr. Collins (draft)  
 Mr. McGuire

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on LOS issues. Principles include common heritage concept for area and resources beyond national jurisdiction and prohibit assertion of sovereign rights over area or appropriation by States or persons. All exploration and exploitation of resources <sup>in</sup> the area shall be governed by regime to be agreed, and no rights in area shall be acquired incompatible with regime. Area shall be open to use exclusively for peaceful purposes by all States without discrimination in accordance with regime to be agreed. ~~States~~ shall act in accordance with applicable principles and rules of international law. Exploitation shall be carried out for benefit of mankind as a whole, taking into consideration interests and needs of developing countries. States shall promote cooperation in scientific research and pay due regard to rights and interests of other States. Legal status of waters and airspace not affected by principles, nor is coastal state right with respect to measures for

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preventing grave and imminent pollution dangers to coastline subject to regime. Principles affirm State responsibility and provide for liability for damages and dispute settlement in accordance with UN Charter and regime to be agreed. Vote on Res 2749 (XXV) was 108 (US) for, 0 against, 14 abstentions (USSR).

5. Res 2750A (XXV) requests UN SYG to identify and study problems arising from production of certain minerals from deep seabed and propose effective solutions for dealing with these problems, such study to be submitted to UN Seabeds Committee in 1971. Vote on Res 2750A (XXV) was 104 (US) for, 0 against, 16 abstentions (USSR).

6. Res 2750B (XXV) requests UN SYG to prepare current study on question of access to sea by landlocked countries, such study to be submitted to UN Seabeds Committee in 1971. The study would also include a report on special problems of landlocked countries

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relating to exploration and exploitation of seabed resources. Vote was 111 (US) for, 0 against, 11 abstentions (USSR).

7. Res 2750C (XXV) decides to convene in 1973 Conference on Law of the Sea "which would deal with the establishment of an equitable international regime, including an international machinery, for the area, and the resources of the seabed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, a precise definition of the area, and a broad range of related issues including those concerning the regimes of the high seas, the continental shelf, the territorial sea (including the question of its breadth and the question of international straits) and contiguous zone, fishing and conservation of the living resources of the high seas (including the question of the preferential rights of coastal states), the preservation of the marine environment, (including

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inter alia the prevention of pollution), and scientific research." Precise agenda of Conference not decided by Res. Preparatory work will be begun by enlarged (86 members) UN Seabeds Committee meeting in March and July-August 1971 in Geneva. Committee to draft treaty articles on seabed regime and list other LOS issues as described above as well as draft articles on such issues. UNGA at 26th and 27th sessions will review preparatory work and decide on agenda, and 27th UNGA may decide to postpone Conference if it determines progress of preparatory work has been insufficient. Vote on this compromise Res was 108 (US) for, 7 against (USSR), 6 abstentions. /  
 FYI.  
 8. /Essence of compromise is on four points. First, U.S. originally sought fixed dates for preparatory session conference in 1972 and definitive session in 1973. Some Latin American's opposed mentioning any date at all. Compromise is decision now to convene

END RESUME

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conference in 1973, with future GA determining precise date, place, etc., and with understanding that 27th GA could decide to postpone conference if it determines preparatory work to be insufficient. Second, U.S. favored listing specific agenda items now, with provision that preparatory committee and conference could decide to act on other issues. Some LDC's argued for a complete review of law of the sea. Compromise provides for conference to "deal broad with" ~~xxxx~~ range of law of the sea issues, with future GA determining precise agenda. Third, U.S. originally sought two-committee system, with seabeds comite handling seabeds regime and boundary, and new preparatory committee handling other issues. Compromise was to expand size and mandate of Seabeds Comite, and authorize it to establish subcommittees. Corridor conversations indicate principle of dividing issues will be applied in forming subcommittees,

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although precise ~~is~~ nature of division not decided. Finally, U.S. sought simultaneous treatment of all issues. Some LDC's, particularly LA's, argued that seabeds regime article must be completed before work can begin on drafting articles on the LOS issues, including seabeds boundary. Compromise text gives prominence in ~~is~~ terms of order of listing and detail to seabeds regime but does not repeat not require delay on other items.

9. In addition, it is notable that WEO's had most difficulty in deciding on committee representation, and tended to favor committee of the whole. LDC's, particularly Afro-Asians, argued strenuously that this would create chaos, and only reluctantly agreed

/~~XXXXXX~~ to expanding the committee to as much as 86 members. END FYI.

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